IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23178 of 2007(H)

PETITIONER:

M/S.K.V.J.BUILDERS & DEVELOPERS (P) LTD,
PRIYA ESTATE BUILDINGS, BYE PASS ROAD,
VYTTILA, KOCHI-32, REPRESENTED BY ITS MANAGING
DIRECTOR, K.J.KURIAKOSE.

BY ADV. SRI.ARIKKAT VIJAYAN MENON
SRI.HARISANKAR V. MENON

RESPONDENTS:

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1. COMMERCIAL TAX OFFICER (AA),
DEPARTMENT OF COMMERCIAL TAXES,
ERNAKULAM.

2. DEPUTY COMMISSIONER (APPEALS),
DEPARTMENT OF COMMERCIAL TAXES,
ERNAKULAM.

3. INSPECTING ASST.COMMISSIONER OF
COMMERCIAL TAXES, KAKKANAD, ERNAKULAM.

BY G.P. SRI.C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.23178 of 2007

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Dated this the 31st day of July, 2007.

JUDGMENT

Since petitioner has filed appeal against sales tax assessment for 2005-2006 and since petitioner has produced Ext.P5 photocopy of cheque which shows payment of Rs.7,45,000/- on 24.7.2007, there will be stay against recovery proceedings till disposal of appeal on petitioner making a further payment of rupees two lakhs within one month from now. This conditional order is based on the belief that cheque submitted by the petitioner is honoured. In other words, the total payment for stay against recovery during pendency of appeal will be Rs.9,45,000/-. The appellate authority is directed to take up the appeal out of turn and dispose of the same within three months from the date of making payment as above.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms